

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: )  
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Dees, et al. )  
)  
Serial No.: 09/382,622 )  
)  
Filed: August 25, 1999 )  
)  
Art Unit: 1641 )  
)  
Examiner: G. Gabel )  
)  
Confirmation No: 5477 )  
)  
For: High Energy Phototherapeutic Agents )

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application.

**REFERENCES CITED HEREIN**

A copy of the cited section of the Colour Index is supplied with this IDS. The Colour Index is referenced in Heitz (U.S. 4,846,789) which is already of record. In the current Office Action, the Examiner states that the anticipation rejection over Heitz has now been withdrawn.

No inference should be drawn that the attached list sets forth a comprehensive investigation of the prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

**FEE**

A first office action, notice of allowance or issue fee notification has been received in this case, so the Commissioner is hereby authorized to charge the \$180 fee to our Deposit Account No. 50/1039.

COOK, ALEX, McFARRON, MANZO  
CUMMINGS & MEHLER, LTD.  
200 W. Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

Customer No: 000026568

Respectfully submitted,

/Mark J. Murphy/

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Mark J. Murphy  
Registration No: 34,225

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/382,622
Filing Date	August 25, 1999
First Named Inventor	Dees
Art Unit	1641
Examiner Name	G. Gabel
Attorney Docket Number	PHO-107 DIV

Sheet 1

of

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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		AMERICAN ASSOCIATION OF TEXTILE CHEMISTS AND COLORISTS, "Colour Index," Third Edition, 1971, pp. 4417-4430, Volume 4, published by The Society of Dyers and Colourists, Great Britain	

Examiner  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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